

**National Organic Standards Board  
Crops Committee Response to Public Comment Concerning  
Commercial Availability of Organic Seed Recommendation  
Adopted by the NOSB- August 16, 2005**

Background

The NOSB issued a formal recommendation regarding **Commercial Availability of Organic Seed** on August 17, 2005 in the form of a Guidance Statement. The Crops Committee agreed to reassess the recommendation in response to additional public comment on certain sections of the document.

Issues

- 1) The validity of maintaining a database containing a list of non-organic crop varieties permitted by certification agencies.
- 2) Certification agencies have objected to the amount of additional burden placed on them to collect, maintain, and report the information required by the recommendation.
- 3) The final recommendation did not include a previous requirement stating that a producer who did not meet the commercial availability requirements for organic seed could not be certified organic.

Crops Committee Conclusions

1. The National Organic Program may lack the capacity, and does not have the obligation to maintain a list of non-organic crop varieties permitted by certification agencies. If so, an alternate clearinghouse for the information would need to be identified, preferably a non-fee, public benefit entity.
2. The Crops Committee agrees that the additional time and expense invested by certifiers to collect and report the non-organic seed information would be substantial. The producers using non-organic seed varieties should bear the cost of any such requirement.
3. The statement that “an operation that did not meet commercial availability requirements for organic seed could not be certified organic” was not included in the final Guidance Statement because it was deemed by the Board to be a re-statement of what is already required in the rule (NOSB meeting transcripts- August 16, 2005).

Discussion

The Crops Committee does not believe that recent public comments warrant changes in the NOSB Recommendation regarding Commercial Availability of Organic Seed. The committee believes that the Guidance Document states clearly under what circumstances non-organic, untreated seed may be used and the procedures and documentation required. While the Crops Committee understands the concerns of the industry over the apparent slow growth of the organic seed market, we believe that care must be taken when trying to influence commerce with the writing of rules. A primary goal is to encourage the growth and development of the organic seed industry without harming organic producers. Organic certification remains an integrity based endeavor and accountability among growers at the local level is a key element in encouraging adherence to the rules. All producers are encouraged to report instances of abuse of the organic seed requirement to their certifier so that appropriate enforcement action may be taken.

The Guidance Statement on the Commercial Availability of Organic Seed seeks to influence producers to use organically grown seed. The sourcing of organic seed remains the responsibility of the producer. Availability and quality disparities between conventional and organically grown seed should shrink as the knowledge and growing skill of organic seed producers increases, minimizing the incentive for producers to choose non-organically grown seed.

#### **Committee Vote**

**4 yes , 0 no , Absent- Ostiguy**